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PTO/SB/33 (07-05)

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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 081468-0309282						
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____		Application Number 10/825,153	Filed 04/16/2004					
		First Named Inventor Johannes Cornelis Driessen						
		Art Unit 2881	Examiner Paul M. Gurzo					
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td rowspan="4"> _____ Signature Emily T. Bell _____ Typed or printed name 703-770-7661 _____ Telephone number February 1, 2006 _____ Date</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record.      47,418 Registration number _____</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>				<input type="checkbox"/> applicant/inventor.	 _____ Signature Emily T. Bell _____ Typed or printed name 703-770-7661 _____ Telephone number February 1, 2006 _____ Date	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<input checked="" type="checkbox"/> attorney or agent of record.      47,418 Registration number _____	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket: 081468-0309282  
Client Reference: P-0218.020-US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:  
DRIESSEN ET AL.

Confirmation Number: 7863

Application No.: 10/825,153

Group Art Unit: 2881

Filed: April 16, 2004

Examiner: Paul M. Gurzo

Title: LITHOGRAPHIC APPARATUS, DEVICE MANUFACTURING METHOD, AND  
DEVICE MANUFACTURED THEREBY

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Claims 1-3, 15-17, and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Morita et al. (U.S. Patent No. 5,914,493).

Applicants respectfully submit that Morita et al. does not disclose or suggest each and every limitation of claims 1-3, 15-17, and 19. MPEP §2111 requires that the claims be given their broadest reasonable interpretation, but also advises that "[t]he broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach." See MPEP §2111, quoting *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). Applicants respectfully submit that the Examiner has taken an unreasonable interpretation of many of the claim terms, including "utility," "conduit," "conduit shield," and "vacuum generator," and has also interpreted Morita et al. in a way that is inconsistent with how one of skill in the art would interpret Morita et al. This combination has resulted in a rejection that is clearly improper.

**"Utility"**

For example, it is the Examiner's position that the wafer in Morita et al. is a utility. This broad reading of "utility" is unreasonable and erroneous. The Examiner has resorted to a dictionary definition of "something that is useful" and claims that this definition of utility is common. (See Final Office Action dated November 3, 2005, hereinafter "Final Office Action," at page 4.) A utility is also defined by the dictionary as "a service (as light, power, or water) provided by a public utility."<sup>1</sup> Applicants have clearly used this latter common

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<sup>1</sup> Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield, MA, 1984, at p. 1300.

definition of “utility” in the specification, as evidenced by paragraph [0049]. (*See* Applicants’ Amendment dated October 19, 2005, hereinafter “Amendment,” at pages 5-6.) One of skill in this art would certainly interpret the use of the word “utility” in the claims to mean some type of service or signal, as defined in Applicants specification, rather than a wafer. The Examiner’s interpretation of “utility” is unreasonable and erroneous.

#### **“Conduit”**

It is also the Examiner’s position that the claimed conduit is the region within the second vacuum chamber (3) of Morita et al. (*See* Final Office Action at pages 2-3.) This interpretation of “conduit” is unreasonable and erroneous in view of Morita et al. itself, and Applicants’ specification. As was explained in Applicants response to the Office Action dated August 23, 2005, Morita et al. explicitly teaches the use of flow conduits (12) and circulation conduits (10). (*See* Amendment at page 6.) One of skill in the art looking at Morita et al. would not consider the inside of the second vacuum chamber to be a conduit. In addition, Applicants’ specification at paragraph [0049] discloses that the “utilities are supplied by conduits, such as, for example, hoses, pipes, electrical cables, etc. (*See* Amendment at page 6.) This is consistent with Morita et al. The Examiner’s interpretation of “conduit” is unreasonable and erroneous.

#### **“Conduit Shield”**

It is also the Examiner’s position that Morita et al. teaches the claimed “conduit shield” in the form of the casing of the chamber (3). (*See* Final Office Action at page 3.) As was explained in the Amendment, this interpretation goes against the teachings of Morita et al., as Morita et al. teaches that the first gate valve (2) separates the two vacuum chambers, and when the vacuum level of the load-lock chamber (3) matches the exposure-processing chamber (1), the valve (2) is opened and the wafer (6) is transported to the wafer stage (9) in the exposure-processing chamber (1). (*See* Amendment at page 6.) One of skill in the art simply would not consider a casing of a vacuum chamber to be a “conduit shield,” as it is claimed in Applicants’ claims and is discussed in Applicants specification. (*See* Applicants’ specification at [0051]-[0052].) The Examiner’s interpretation of “conduit shield” is unreasonable and erroneous.

**"Vacuum Generator"**

It is also the Examiner's position that "the use of the gate valves (2 and 5) [of Morita et al.] teach on the claimed vacuum generator." (See Final Office Action at page 3.) As is well-known to one of skill in the art, the plain and ordinary meaning of a "vacuum generator" is device that generates vacuum. This meaning is consistent with Applicants' specification. (See Applicants' specification at [0053].) The gate valves of Morita et al. are just that – gate valves. Each gate valve is used to separate adjacent chambers from one another until the chambers are at the same pressure. As was discussed in the Amendment, the gate valve cannot be construed as vacuum generators, because gate valves do not generate vacuum. (See Amendment at page 6.) The Examiner's interpretation of "vacuum generator" is unreasonable and erroneous.

**Conclusion**

Because each of the rejected claims includes at least one of the aforementioned claim terms, for all of the reasons in the record and reiterated above, Applicants respectfully submit that the rejection to claims 1-3, 15-17, and 19 under 35 U.S.C. §102(b) as being anticipated by Morita et al. is improper, and respectfully request that rejection to claims 1-3, 15-17, and 19 be withdrawn.

Respectfully submitted,

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